

Attorney Docket No. 010091

REMARKS

Claims 1-29 are currently pending in the application. Claims 8 and 25 are herein amended. New claims 30-40 are added.

Rejections under 35 U.S.C. §103

The Examiner has rejected claims 1-29 under 35 U.S.C. §103(a) as being unpatentable over XP-002198525. Claims 8 and 25 are amended. For the reasons set forth below, it is respectfully submitted that the claims are patentable over the applied art.

The present invention relates to acquiring a pilot, while the XP-002198525 reference discusses ordering pilots once a pilot has already been acquired. The groups of code sets the Examiner is discussing in the reference are not the same as, or suggestive of, those claimed. Directing the Examiner's attention to p. 6-43 lines 2-12 of the reference, the active set and candidate set are discussed. These sets are pilots associated with sectors currently serving the access terminal and pilots received by the access terminal with a certain minimal signal strength. Thus, these two sets include ONLY pilots that have already been acquired. In order to group the sets, as disclosed in the cited art, then these pilots must have already been acquired.

Regarding claim 1, the Examiner states that XP-002198525 discloses a method of acquiring a gated pilot signal in an expanded PN space split into a plurality of N non-overlapping groups of specific pilot offsets on page 6-48 lines 1-4, and that a search of only a first of the N groups is necessary for acquisition of the gated pilot signal is shown on page 6-66 lines 14-20. This is not so. As discussed above, the reference does not disclose or suggest dividing the code space into a plurality of non-overlapping groups and searching as claimed to acquire a pilot. The Examiner also states that the prior art discloses identifying the gated pilot signal from the searched groups at p. 6-48 lines 1-4. This section simply states that those not in the active, candidate or neighbor sets are placed into the remaining set. It does not identify a pilot signal from the searched groups.

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Thus, claim 1 should be allowable over the cited art. Claims 2-7 should also be allowable as being based upon an allowable base claim.

Moreover, regarding claim 7, the Examiner states that XP-002198525 discloses that if the gated pilot signal is not identified after searching at least the first group, searching a last group on page 6-46 lines 7-12. This reference states nothing of the kind. Rather it discusses adding a pilot to a candidate set based upon a pilot's signal strength and/or a pilot drop timer. It does not state or suggest searching a last group.

Regarding amended claim 8, the XP-002198525 reference does not disclose or suggest the claimed invention. The claimed invention is directed to acquiring a pilot, while the reference is discussing ordering pilots once a pilot has already been acquired. Additionally, the standard does not teach or suggest the claimed partitioning, ordering, searching and terminating to acquire a pilot. Thus, claim 8 should be allowable.

Claims 9-24 should also be allowable as being based upon an allowable base claim.

Regarding claim 25, the reference does not disclose or suggest the ordering based on the likelihood of detecting the pilot reference in each of the groups – in the reference, pilots have already been detected for two of the groups. Thus, claim 25 should be allowable.

Regarding claim 26, the Examiner states that many of the elements are disclosed in XP-002198525 at page 6-44 lines 22-26. This merely discusses search priority. Again, the reference does not disclose or suggest the ordering based on the likelihood of detecting the pilot reference in each of the groups – in the reference, pilots have already been detected for two of the groups. Thus, claim 26 should be allowable. Moreover, dependent claims 27-29 should be allowable as being based upon an allowable claim.

Newly added claims 30-40 are similarly believed to be allowable. Support for new claims 30-37 can be found in the specification at paragraph [0067]. Support for new claims 38-40 can be found in the specification at paragraph [0108].

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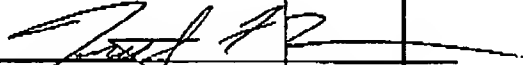
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The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 17-0026.

Respectfully,

Dated: 1/21/04

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